



U.S. Department of Justice
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September 3, 2024

VIA CM/ECF

Mark Langer, Clerk of Court
U.S. Court of Appeals for the D.C. Circuit
333 Constitution Avenue, NW
Washington, DC 20001

RE: *TikTok, et al. v. Garland*, Nos. 24-1113, 24-1130, 24-1183 (D.C. Cir.)
Oral Argument Scheduled for September 16, 2024

Dear Mr. Langer:

As the oral argument approaches, I submit this letter to remind the Court that this case involves classified information, which has been made available to the judges of this Court through the Classified Information Security Officers, under appropriate security arrangements. As the Court is aware, the government has filed a motion for the Court to consider various information in the government's brief and in its appendix *ex parte* and *in camera*.

The classified information has been made available to the judges of this Court by the Department of Justice with the understanding that the secrecy of this information will be properly protected. *See* 28 C.F.R. §§ 17.17, 17.46 (providing that classified information may be disclosed by Justice Department attorneys to Article III judges, as long as proper security measures are taken). Neither petitioners nor their counsel have had access to, or are cleared to receive, this classified information.

The government is prepared to argue this case publicly, in an open courtroom, without referring to the contents of the classified information itself. If the Court has questions about the classified information or wishes to discuss it, however, or if it becomes necessary for government counsel to answer questions by referring to the contents of this information, our understanding is that the Court

will make the necessary arrangements with the Classified Information Security Officer, so the classified material can be discussed in a secure environment.

We also ask that the Court notify counsel if it plans to hold a closed session, so proper arrangements may be made for government counsel's copy of the classified material to be available at oral argument.

Please contact me if there are any questions or problems. Thank you for your attention to this matter.

Sincerely,

/s/ Daniel Tenny

Daniel Tenny

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cc: Counsel of Record (via CM/ECF)